

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF MENTAL HEALTH



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May 2, 2013

The Clerk, Criminal Division
Superior Court of the District of Columbia
500 Indiana Avenue, NW, Room 4110
Washington, D.C. 20001

Re: Herbert Hayes
Case #: 2012 CF1 8860

Dear Sir or Madam:

In response to a court order, I conducted a competency screening examination of Mr. Herbert Hayes on May 2, 2013 in the D.C. Superior Courthouse cellblock. The purpose of this examination was to assist the Court in its determination of the defendant's competency to stand trial. Mr. Hayes is a 39-year-old man with a pending charge of Murder I While Armed. According to the Mental Examination Information Sheet, the evaluation was ordered because the defendant "has accused three separate attorneys with unethical behavior by turning over defense evidence to the prosecutor." He also threatened his previous attorney and has exhibited outburst in the courtroom.

This report is based on a 60-minute interview with the defendant and review of the Mental Competency Screening Examination Order, Mental Examination Information Sheet, Pretrial Services Agency Report, Criminal Rule 112, the U.S. Attorney's Statement of Charges, the Gerstein proffer, urine drug screening test results, medical records secured from the Central Detention Center, and data from the D.C. Department of Mental Health computerized consumer information system. Mr. Hayes was informed of the nature and purpose of this examination and the limits of confidentiality.

Upon current mental status examination, Mr. Hayes smiled and greeted the evaluator. Mr. Hayes verbalized that he was aware as to reason the evaluator was there and willingly participated in the evaluation. He was alert, cooperative, and in no acute distress. Mr. Hayes conveyed that he was fatigued and frustrated with his legal process (which he discussed at length with the evaluator). He was dressed in standard issued institutional attire. His appearance and his hygiene were adequately maintained. His psychomotor activity was relaxed. He made adequate eye contact with the evaluator. His speech was normal in rate and pace, low and soft in tone but well modulated. The quality was spontaneous. His conversation was logical, coherent, goal directed, and appeared to be reality based. While many of his beliefs about his case appear to be irrational, they appear to be related to personality factors as opposed to signs and symptoms of a psychotic disorder. There was no evidence of and he adamantly denied symptoms of depression, anxiety, phobias, hallucinations, delusions, paranoid ideations, suicidal and homicidal ideation and/or intent. His mood was euthymic and he displayed appropriate affect to matters discussed. His attention and concentration were unimpaired. Exercises to assess his memory, cognition, social judgment and abstract reasoning were within normal limits.

According to the D.C. Department of Mental Health's Computerized Information System, the defendant has never received psychiatric treatment in the public mental health system. Mr. Hayes denied that he has ever received any form of psychiatric treatment on an inpatient or outpatient basis. Mr. Hayes is not receiving psychiatric treatment at the jail. He has not exhibited signs and symptoms of a psychiatric disorder as his mental status has been within normal limits.

The defendant identified his charge and is aware of the nature and gravity of his charges. He demonstrated a basic and accurate knowledge of legal proceedings and the roles of various courtroom officials. He is aware of the various plea options available, including the concept of plea bargaining, and he demonstrated the capacity to make reasoned choices regarding plea options. He had a basic understanding of his rights as a defendant including those that are waived in the process of entering a guilty plea. Mr. Hayes understands the importance of cooperating with defense counsel and discussed at length the problems he experienced with previous counsel. Mr. Hayes indicated that he disagreed with the direction his prior attorneys wanted to pursue with his case, e.g., being force to take a plea. Mr. Hayes also reported that he asked his previous attorneys to provide him with documents related to his case, e.g., Jenks and the Discovery Package from the government, which has not been supplied to him. He identified himself as a very intelligent man who is aware of his rights. Mr. Hayes conveyed that he is willing to work with an attorney in a meaningful and collaborative manner. He specifically identified Heather Pinkney, Esq. and Brandi Harden, Esq. as counsel he believes would best represent him in his pending legal matter. Mr. Hayes stated he was provided with their names by inmates they represented at the detention center. Mr. Hayes conveyed that he demonstrated inappropriate courtroom behavior in the past because was frustrated with previous counsel. During the clinical interview, the defendant was calm

and spoke in a logical and goal directed manner. He expressed emotion (cried) but was able to gather himself and continue with the evaluation.

On the basis of this evaluation, it is my opinion that at this time, Mr. Hayes is competent to stand trial. Mental health factors currently do not currently compromise his ability to demonstrate a factual and rational understanding of his legal proceedings nor do they impair his ability to assist his attorney in the preparation of his defense.

Respectfully submitted,

A handwritten signature in cursive script that reads "Teresa Grant PhD".

Teresa Grant, Ph.D.

Licensed Clinical Psychologist